

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)Subject Premises & Person of Vincent Lesniak,  
more fully described in Attachments A2- & A-3

Case No. MJ18-434

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SUBJECT PREMISES and PERSON, further described in Attachments A-2, A-3, which is incorporated by reference, upon delivery of the SUBJECT PARCEL, more fully described in Attachment A-1, also incorporated by reference. located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B for a List of Items to be Seized.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC § 841(a) and (b) Distribution of Controlled Substances	Possession of Controlled Substances with Intent to Distribute and

The application is based on these facts:

See Affidavit of Postal Inspector Michael Fischlin, United States Postal Inspection Service (USPIS)

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Michael Fischlin, Postal Inspector (USPIS)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

EMML

(specify reliable electronic means).

Date: 9/18/18



Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, Chief United States Magistrate Judge

Printed name and title



1 engaged in various aspects of this investigation, and my review of reports written by  
2 other law enforcement officers involved in this investigation. Because this Affidavit is  
3 being submitted for the limited purpose of securing search warrants, I have not included  
4 each and every fact known to me concerning this investigation. I have set forth only  
5 those facts that I believe are relevant to a determination of probable cause to support the  
6 issuance of the requested warrants. When the statements of others are set forth in this  
7 affidavit, they are set forth in substance and in part.

8 5. From my training and experience, I am aware that the United States Postal  
9 Service ("USPS") mail system is often used to transport controlled substances and/or the  
10 proceeds from the sales of controlled substances throughout the United States. I have  
11 learned and observed that sometimes drug traffickers put controlled substances and  
12 proceeds in the same package.

13 **PURPOSE OF AFFIDAVIT**

14 6. This affidavit is submitted in support of an application for an anticipatory  
15 search warrant for the following location and person:

16 (1) 1016 Rockefeller Avenue, Everett, WA 98201 (the "SUBJECT  
17 PREMISES)," which is further described in Attachment A-2, which  
18 is incorporated herein by reference; and

19 (2) The person of Vincent Lesniak, further described in Attachment A-3,  
20 which is incorporated by reference.

21 7. As described in Attachment A-1, the SUBJECT PARCEL is an  
22 international mail parcel. This parcel has been prepared by myself in Seattle,  
23 Washington, and comprises the original outside packaging for the SUBJECT PARCEL  
24 with the fentanyl that was originally inside it removed and replaced with sham narcotics.  
25 I, or another United States Postal Inspector, will deliver the SUBJECT PARCEL to the  
26 SUBJECT PREMISES. Once the SUBJECT PARCEL is delivered to the SUBJECT  
27 PREMISES, the search warrant for the SUBJECT PREMISES as described above and in  
28 Attachment A-2, will be executed.

8. As discussed above, law enforcement will attempt to deliver the SUBJECT PARCEL to the SUBJECT PREMISES. This affidavit seeks permission to search the SUBJECT PREMISES on the condition that someone at the SUBJECT PREMISES takes the SUBJECT PARCEL into the SUBJECT PREMISES.

9. For the SUBJECT PREMISES, the requested authority to search extends to all parts of the property, including all storage areas associated with the residence, such as on-site storage lockers, garages, detached storage sheds, and parking stalls, or safes located on the property, whether locked or not, and the person or persons present, where the items described in Attachment B, (list of items to be seized) could be found.

10. As set forth below, there is probable cause to believe that the SUBJECT PREMISES will contain evidence of possession of controlled substances, and distribution of controlled substances, in violation of Title 21, United States Code, Sections 841(a) and (b). I seek authorization to search and seize the items specified in Attachment B, which is incorporated herein by reference.

11. There also is probable cause to believe that Vincent Lesniak is involved in drug trafficking, regardless whether the SUBJECT PARCEL is delivered. I seek authorization to search his person for the items specified in Attachment B which is incorporated herein by reference.

## SUMMARY OF INVESTIGATION

### A. U.S. Customs & Border Protection Search of Parcel

12. On September 7, 2018, Customs & Border Protection (“CBP”), John F. Kennedy International Airport Mail Branch, encountered the SUBJECT PARCEL during an enforcement examination of mail shipped from the People’s Republic of China. An examination of the SUBJECT PARCEL revealed a white powdery substance secreted within foil packet wrapped in bubble wrap. The powdery white substance was taken to CBP’s New York Laboratory for examination.

13. Based on the examination, it was determined that the following items were concealed inside the envelope: seven grams of Methoxyacetyl Fentanyl, and three grams

1 of 4F-PHP HCL. CBP subsequently seized both items. Methoxyacetyl Fentanyl is a  
2 Scheduled I Controlled Substance.

3 14. Upon further review of the SUBJECT PARCEL, it was revealed that the  
4 package was shipped by Su Qing, Warehouse No. 8, No 240, Huqingping Road Minhang  
5 District, Shanghai, China 200110. The consignee is Vincent Lesniak with an address of  
6 1016 Rockefeller Avenue, Everett, Washington 98201. On September 10, 2018, the  
7 SUBJECT PARCEL was subsequently shipped to USPIS Seattle for a controlled  
8 delivery.

9 15. Based on my training and experience, and information relayed to me by  
10 other law enforcement personnel, I know that fentanyl is a Schedule I narcotic and a  
11 highly a dangerous drug. Fentanyl is a synthetic opioid that is fifty times more toxic than  
12 heroin. In its purest form fentanyl is a white powder or in grains similar in size to table  
13 salt. For most people, two to three milligrams of fentanyl is capable of inducing  
14 respiratory depression, arrest and possibly death. Two to three milligrams of fentanyl is  
15 comparable in size to five to seven individual grains of table salt.

16 16. Research conducted by CBP revealed two previous international parcels  
17 addressed to Lesniak at the SUBJECT PREMISES from a possible narcotics violator of  
18 synthetic cannabinoid in China. The parcels were delivered on July 25, 2018, and August  
19 9, 2018.

## 20 **B. Surveillance**

21 17. On September 11, 2018, I conducted surveillance of the SUBJECT  
22 PREMISES. During surveillance, I observed a Ford Focus bearing Washington State  
23 plate AVR5359 parked in the driveway of the residence. The vehicle is registered to  
24 Vincent Lesniak. It should be noted the SUBJECT PREMISES is in close proximity to  
25 Whittier Elementary School.

26 18. The SUBJECT PARCEL includes a telephone number of (425) 953-0443  
27 for the listed recipient, Vincent Lesniak. Using a law enforcement database, I found that  
28 telephone number (425) 953-0443 is associated with Vincent Lesniak. A review of postal



1 business records revealed that a tracking request for the SUBJECT PARCEL had been  
2 made on August 25, 2018, and September 7, 2018, from an Internet Protocol (IP)  
3 addresses assigned to T-Mobile. Using a law enforcement database, I found that the  
4 telephone number associated with Lesniak is T-Mobile.

5 19. On September 11, 2018, I reviewed of postal business records which revealed  
6 Vincent Lesniak had a change of address submitted in early August 2018. The address for  
7 Lesniak was changed to the SUBJECT PREMISES.

8 **KNOWLEDGE BASED ON TRAINING AND EXPERIENCE**

9 20. Based upon my training and experience, and conversations with other  
10 experienced law enforcement agents and officers who have been involved in narcotics  
11 cases, I know the following:

12 21. The distribution of illegal narcotics is frequently a continuing activity  
13 lasting over months and years. Persons involved in the trafficking of illegal controlled  
14 substances typically will obtain and distribute controlled substances on a regular basis,  
15 much as a distributor of a legal commodity would purchase stock for sale. Similarly,  
16 such drug traffickers will maintain an "inventory" which will fluctuate in size depending  
17 upon the demand for and the available supply of the product. Drug traffickers keep  
18 records of their illegal activities not only during the period of their drug trafficking  
19 violations but also for a period of time extending beyond the time during which the  
20 trafficker actually possesses/controls illegal controlled substances. The records are kept  
21 in order to maintain contact with criminal associates for future transactions and so that  
22 the trafficker can have records of prior transactions for which the trafficker might still be  
23 owed money or might owe someone else money. Dealers often keep these records in  
24 their homes and in vehicles that they own, use, or have access to.

25 22. It is common for drug dealers to conceal large quantities of currency,  
26 foreign currency, financial instruments, precious metals, jewelry, and other items of value  
27 which are proceeds from drug trafficking in their residences and in other storage areas  
28

1 associated with the residence, such as on-site storage lockers, garages, detached storage  
2 sheds, and parking stalls, or safes located on the property.

3 23. Evidence of excessive wealth beyond an individual's outward means is  
4 probative evidence of the distribution of controlled substances. Therefore, receipts  
5 showing the expenditure of large sums of money and/or the expensive assets are evidence  
6 of drug trafficking. Drug traffickers commonly keep the expensive assets themselves  
7 and/or documentation of the purchase of the asset (receipts, warranty cards, etc.) in their  
8 homes, places of business, and in vehicles that they own, use, or have access to.

9 24. It is common for drug dealers to maintain equipment and supplies (*i.e.*,  
10 scales, packaging, masking agents) on hand over a lengthy period of time, even when  
11 they do not have any controlled substances on hand. The aforementioned items are  
12 frequently maintained in the dealer's homes, places of business, and in vehicles that they  
13 own, use, or have access to.

14 25. Drug dealers often have some amount of inventory – namely, illegal drugs  
15 –stored in their homes, places of business, and in vehicles that they own, use, or have  
16 access to.

17 26. It is common for drug dealers to possess firearms and ammunition to  
18 protect their drugs, assets, and persons from hostile gangs, rival traffickers, other  
19 criminals, and from law enforcement. Persons who purchase and possess firearms also  
20 tend to maintain the firearms and ammunition for lengthy periods of time. Firearms can  
21 be acquired both legally and unlawfully, without official/traceable documentation.  
22 Persons who acquire firearms from Federal Firearms Licensees, through deliberate fraud  
23 and concealment, often will also acquire firearms from private parties and other sources  
24 unknown to ATF. Persons who, whether legally or illegally, purchase, possess, sell  
25 and/or transfer firearms or ammunition commonly maintain the firearms or ammunition  
26 on their person, at their residence or business, or in a motor vehicle which they own  
27 and/or operate. Firearms or ammunition are often secreted at other locations within their  
28 residential curtilage, and the identification of these firearms will assist in establishing

1 their origin. Persons who purchase, possess, sell and/or trade firearms or ammunition  
2 commonly maintain documents and items that are related to the purchase, ownership,  
3 possession, sale and/or transfer of firearms, ammunition, and/or firearm parts, including  
4 but not limited to driver's licenses, telephone records, telephone bills, address and  
5 telephone books, canceled checks, receipts, bank records and other financial  
6 documentation on the owner's person, at the owner's residence or business, or in vehicles  
7 that they own, use, or have access to. Additionally, these individuals often maintain  
8 holsters, spare magazines or speed loaders and other instruments to facilitate the use of  
9 firearms in furtherance of criminal activity or acts of violence.

10 27. It is common for members of drug trafficking organizations, in an attempt  
11 to disguise their identities and illegal activities, to use prepaid cellular telephones and  
12 prepaid long distance calling cards. Often the only way to connect a subject with a  
13 particular prepaid cellular telephone or calling card is to seize the phone or calling card  
14 from the trafficker or his residence. The aforementioned items are frequently maintained  
15 in the drug trafficker's residence, place of business, or other areas they have access to.

16 28. Drug dealers regularly use cell phones and other electronic communication  
17 devices to further their illegal activities. As a result, evidence of drug dealing can often  
18 be found in text messages, address books, call logs, photographs, emails, text messaging  
19 or picture messaging applications, videos, and other data that is stored on cell phones and  
20 other electronic communication devices. Additionally, the storage capacity of such  
21 devices allows them to be used for the electronic maintenance of ledgers, pay/owe logs,  
22 drug weights and amounts, customers contact information, not only during the period of  
23 their drug trafficking violations but also for a period of time extending beyond the time  
24 during which the trafficker actually possesses/controls illegal controlled substances. The  
25 records are kept in order to maintain contact with criminal associates for future  
26 transactions and so that the trafficker can have records of prior transactions for which the  
27 trafficker might still be owed money or might owe someone else money.  
28



29. Drug traffickers increasingly use applications on smart phones that encrypt communications such as WhatsApp, or applications that automatically delete messages, such as Snapchat, in order to avoid law enforcement monitoring or recording of communications regarding drug trafficking and/or money laundering. Evidence of the use of such applications can be obtained from smart phones, and is evidence of a smart phone user's efforts to avoid law enforcement detection.

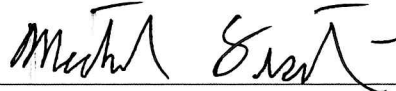
30. Drug dealers often carry many of the items described above – including (but not limited to) drugs, drug proceeds, firearms, cellular phones – on their person.

## CONCLUSION

10. Based on the information set forth herein, there is probable cause to search the above described SUBJECT PREMISES, as further described in Attachment A-2, and the person of Vincent Lesniak, for evidence, fruits and instrumentalities, as further described in Attachment B, of crimes committed by the individuals listed in this affidavit and their coconspirators, specifically distribution of, and possession with intent to distribute, controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

SEALING REQUEST

31. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested warrants, including the application, this affidavit, the attachments, and the requested warrants. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation and includes references to cooperating individuals. Premature disclosure of the contents of the application, this affidavit, the attachments, and the requested warrants may adversely affect the integrity of the investigation, including giving targets a chance to destroy evidence or take other steps to hinder the investigation.



MICHAEL FISCHLIN

Inspector

U.S. Postal Inspection Service

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on 18th day of September, 2018.



BRIAN A. TSUCHIDA

Chief United States Magistrate Judge

Attachment A-1Subject Parcel

One International parcel addressed to "Vincent Lesniak, 1016 Rockefeller Avenue, Everett, Washington 98201 United States of America" with a return address of "Su Qing, Warehouse No. 8, No 240, Huqingping Road, Minhang District, Shanghai Shanghai 200110 China". This parcel measures approximately 10" x 6.5". The delivery confirmation number is LY590887333CN.





**Attachment A-2**

Location to be searched (SUBJECT PREMISES)

**1016 Rockefeller Avenue, Everett, WA 98201**

This is a single-family, one-story home with a basement located on the east side of a gravel alley situated between Rockefeller Avenue and Wetmore Avenue. The home is gray in color with white trim. The numbers 1016 are located to the right of the front door of the house. The front of the home faces west towards the gravel alley and Wetmore Avenue. The property includes a detached one-story outbuilding on the north side of the residence. The outbuilding is white in color with dark trim.





Affidavit of Inspector Fischlin - 12  
USAO# 2018R01117

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970







**ATTACHMENT A-3**

**Person To Be Searched**

This warrant authorizes the search of the person of Vincent Lesniak, the person associated with 1016 Rockefeller Avenue, Everett, WA 98201.



**Attachment B**

**List of Items to be Searched for and Seized**

This warrant authorizes the government to search for the following items:

Evidence and/or fruits of the commission of the following crimes: Distribution and Possession with Intent to Distribute Controlled Substances, to wit, fentanyl, in violation of 21 U.S.C. § 841(a)(1).

1. Controlled Substances: Including but not limited to fentanyl, cocaine, MDMA and carfentanil.

2. Drug Paraphernalia: Items used, or to be used, to store, process, package, use, and/or distribute controlled substances, such as plastic bags, cutting agents, scales, measuring equipment, tape, hockey or duffel bags, chemicals or items used to test the purity and/or quality of controlled substances, and similar items.

3. Drug Transaction Records: Documents such as ledgers, receipts, notes, and similar items relating to the acquisition, transportation, and distribution of controlled substances.

4. Customer and Supplier Information: Items identifying drug customers and drug suppliers, such as telephone records, personal address books, correspondence, diaries, calendars, notes with phone numbers and names, "pay/owe sheets" with drug amounts and prices, maps or directions, and similar items.

5. Cash and Financial Records: Currency and financial records, including bank records, safe deposit box records and keys, credit card records, bills, receipts, tax returns, vehicle documents, and similar items; and other records that show income and expenditures, net worth, money transfers, wire transmittals, negotiable instruments, bank drafts, cashiers checks, and similar items, and money counters.

6. Photographs/Surveillance: Photographs, video tapes, digital cameras, surveillance cameras and associated hardware/storage devices, and similar items, depicting property occupants, friends and relatives of the property occupants, or suspected buyers or sellers of controlled substances, controlled substances or other contraband, weapons, and assets derived from the distribution of controlled substances.

7. Weapons: Including but not limited to firearms, magazines, ammunition, and body armor.

1        8.        Codes: Evidence of codes used in the distribution of controlled substances,  
2 including but not limited to passwords, code books, cypher or decryption keys, bitcoin  
3 wallet addresses, usernames and/or credentials for dark web marketplaces, and similar  
4 information.

5        9.        Property Records: Deeds, contracts, escrow documents, mortgage  
6 documents, rental documents, and other evidence relating to the purchase, ownership,  
7 rental, income, expenses, or control of the premises, and similar records of other property  
8 owned or rented.

9        10.       Indicia of occupancy, residency, and/or ownership of assets including, but  
10 not limited to, utility and telephone bills, canceled envelopes, rental records or payment  
11 receipts, leases, mortgage statements, and other documents.

12       11.       Evidence of Storage Unit Rental or Access: rental and payment records,  
13 keys and codes, pamphlets, contracts, contact information, directions, passwords or other  
14 documents relating to storage units.

15       12.       Evidence of Personal Property Ownership: Registration information,  
16 ownership documents, or other evidence of ownership of property including, but not  
17 limited to vehicles, vessels, boats, airplanes, jet skis, all-terrain vehicles, RVs, and  
18 personal property; evidence of international or domestic travel, hotel/motel stays, and any  
19 other evidence of unexplained wealth.

20       13.       Individual and business financial books, records, receipts, notes, ledgers,  
21 diaries, journals, and all records relating to income, profit, expenditures, or losses, such  
22 as:

23           a.        Employment records: paychecks or stubs, lists and accounts of  
24 employee payrolls, records of employment tax withholdings and contributions, dividends,  
25 stock certificates, and compensation to officers.

26           b.        Savings accounts: statements, ledger cards, deposit tickets, register  
27 records, wire transfer records, correspondence, and withdrawal slips.

28           c.        Checking accounts: statements, canceled checks, deposit tickets,  
credit/debit documents, wire transfer documents, correspondence, and register records.

          d.        Loan Accounts: financial statements and loan applications for all  
loans applied for, notes, loan repayment records, and mortgage loan records.

          e.        Collection accounts: statements and other records.

          f.        Certificates of deposit: applications, purchase documents, and  
statements of accounts.

          g.        Credit card accounts: credit cards, monthly statements, and receipts  
of use.

1           h.       Receipts and records related to gambling wins and losses, or any  
2 other contest winnings.

3           i.       Insurance: policies, statements, bills, and claim-related documents.

4           j.       Financial records: profit and loss statements, financial statements,  
5 receipts, balance sheets, accounting work papers, any receipts showing purchases made,  
6 both business and personal, receipts showing charitable contributions, and income and  
7 expense ledgers.

8           14.     All bearer bonds, letters of credit, money drafts, money orders, cashier's  
9 checks, travelers checks, Treasury checks, bank checks, passbooks, bank drafts, money  
10 wrappers, stored value cards, and other forms of financial remuneration evidencing the  
11 obtaining, secreting, transfer, and/or concealment of assets and/or expenditures of money.

12           15.     All Western Union and/or Money Gram documents and other documents  
13 evidencing domestic or international wire transfers, money orders, official checks,  
14 cashier's checks, or other negotiable interests that can be purchased with cash, to include  
15 applications, payment records, money orders, frequent customer cards, etc.

16           16.     Negotiable instruments, jewelry, precious metals, financial instruments, and  
17 other negotiable instruments.

18           17.     Documents reflecting the source, receipt, transfer, control, ownership, and  
19 disposition of United States and/or foreign currency.

20           18.     Correspondence, papers, records, and any other items showing employment  
21 or lack of employment.

22           19.     Telephone books, and/or address books, facsimile machines, any papers  
23 reflecting names, addresses, telephone numbers, pager numbers, cellular telephone  
24 numbers, facsimile, and/or telex numbers, telephone records and bills relating to co-  
25 conspirators, sources of supply, customers, financial institutions, and other individuals or  
26 businesses with whom a financial relationship exists. Also, telephone answering devices  
27 that record telephone conversations and the tapes therein for messages left for or by co-  
28 conspirators for the delivery or purchase of controlled substances or laundering of drug  
proceeds.

          20.     Safes and locked storage containers, and the contents thereof which are  
otherwise described in this document.

1        21. Tools: Tools that may be used to open hidden compartments in vehicles,  
2 paint, bonding agents, magnets, or other items that may be used to open/close said  
3 compartments.

4        22. Any and all mailing documents and packaging materials related to U.S.  
5 Postal Service to include USPS Express Mail labels, express mail and priority envelopes,  
6 first class mailings, receipts for USPS packages, and tracking information.

7        23. Cell Phones: Cellular telephones and other communications devices may be  
8 seized, and searched only for the following items:

- 9            a. Assigned number and identifying telephone serial number (ESN,  
10 MIN, IMSI, or IMEI);
- 11            b. Stored list of recent received, sent, and missed calls;
- 12            c. Stored contact information;
- 13            d. Photographs related to the aforementioned crimes of investigation,  
14 or photographs that may show the user of the phone and/or co-conspirators, including any  
15 embedded GPS data associated with these photographs; and
- 16            e. Stored text messages, as well as any messages in any internet  
17 messaging apps, including but not limited to Facebook Messenger, iMessage, Wikr,  
18 Telegram, Signal, WhatsApp, Kik, and similar messaging applications, related to the  
19 aforementioned crimes of investigation or that may show the user of the phone and/or  
20 co-conspirators, including Apple iMessages, Blackberry Messenger messages or other  
21 similar messaging services where the data is stored on the telephone.  
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